

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RONALD MOORE,

Plaintiff,

v.

HERCULES DYNAMITE CO.,

Defendant.

3:10-CV-117-RCJ(RAM)

ORDER

Before the Court is Plaintiff's Objection to Magistrate Judge's Report and Recommendation (#15) filed on July 7, 2010. This action was referred to U.S. Magistrate Robert A. McQuaid, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4. The Magistrate Judge submitted his Report and Recommendation (#6) on March 15, 2010, recommending that this Court enter an order dismissing this action with prejudice and entering judgment accordingly.

I. ANALYSIS

A. Review of Magistrate Judge's Order

Pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 3-2, a party may file specific written objections to the findings and recommendations of a magistrate judge made pursuant to LR IB 1-4. The district court must make a *de novo* determination of those portions of the magistrate judge's report to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. LR IB 3-2(b). *De novo* review means the court must consider the matter anew, the same as if it had

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1 not been heard before and as if no decision previously had been rendered. Ness v.
2 Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992). Thus, although the district court need
3 not hold a de novo hearing, the court's obligation is to arrive at its own independent
4 conclusion about those portions of the magistrate judge's findings or recommendation to which
5 objections are made. United States v. Remsing, 874 F.2d 614, 617 (9th Cir. 1989).

6 After conducting a *de novo* review of the record, the Court accepts and adopts the
7 Magistrate Judge's Report and Recommendation (#6).

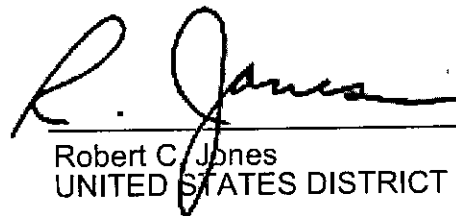
8 **III. CONCLUSION**

9 IT IS HEREBY ORDERED that Plaintiff's Objection to Magistrate Judge's Report and
10 Recommendation (#15) is DENIED.

11 IT IS FURTHER ORDERED that Plaintiff's action is DISMISSED with prejudice. The
12 clerk of the court shall enter judgment accordingly.

13 IT IS SO ORDERED.

14 DATED: This 3 day of August, 2010.

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17 Robert C. Jones
18 UNITED STATES DISTRICT JUDGE
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